

05 MAY 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

In re Application of
Baussi et al.
Application No.: 10/516,926
PCT No.: PCT/IL03/00438
Int. Filing Date: 26 May 2003
Priority Date: 29 May 2002
Attorney Docket No.: 340/04299
For: Direction Finding Cell Phones

DECISION

This is in response to the petition under 37 CFR 1.137(b) filed on 01 December 2004.

BACKGROUND

This international application was filed on 26 May 2003, claimed an earlier priority date of 29 May 2002, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 04 December 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 November 2004. This international application had become abandoned with respect to the national stage in the U.S. for failure to timely file the full required basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply in the form of the basic national fee accompanied the petition.

Regarding requirement (2), the petition included authorization to charge the petition fee to counsel's deposit account.

Regarding requirement (3), the petition includes a statement that "The entire delay in filing the application from the due date until the filing of a grantable petition pursuant to 37

C.F.R. §1.137(b) was unintentional.” This statement is being construed as a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.


DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration of the inventors.



Richard Cole
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459